

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA §  
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§  
V. CAUSE NO. SA-22-CR-304-XR  
SEAN AARON SMITH

**DEFENDANT'S MOTION REQUESTING  
A PSYCHIATRIC EVALUATION**

TO THE HONORABLE XAVIER RODRIGUEZ, DISTRICT JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS:

NOW COMES Defendant, SEAN AARON SMITH, by and through his undersigned attorney, and files this Motion Requesting A Psychiatric Evaluation pursuant to Title 18 § 4241

**Determination of Mental Competency to Stand Trial and Sanity at the time of the Offense,**

and in support thereof would show this Honorable Court as follows:

I

Mr. Smith is scheduled for docket call and detention hearing on August 11, 2022.

II

Defense counsel believes Mr. Smith is presently incompetent to stand trial, including possibly suffering from a psychiatric or psychological incompetence. We believe Mr. Smith is incompetent to appear at docket call. In conversing with him he was unable to follow the conversation and unable to coherently answer basic questions. Mr. Smith has also sent a letter to the FBI, herein attached as exhibit A. Mr. Smith is presently un-medicated. Even though he seems to understand the charges against him he can't assist counsel with his representation. Counsel respectfully requests that Mr. Smith undergo a psychiatric evaluation to determine competence to stand trial and sanity at the time of the offense.

### III

Defendant acknowledges that any continuance granted in this cause is excludable under the Speedy Trial Act as delay resulting from a continuance granted at the request of defense counsel because the ends of justice served by the continuance outweigh the interest of the public in a Speedy Trial. 18 U.S.C. § 3161(h) (7) (A). Mr. Smith does not waive his rights under the Sixth Amendment.

Counsel for Mr. Smith has conferred with Mark Roomberg, Assistant United States Attorney, who does not oppose the motion.

FOR THESE REASONS, Defendant respectfully prays that this Honorable Court will continue the above-styled and numbered cause in order for Mr. Smith to undergo a psychiatric evaluation.

Respectfully submitted,

MAUREEN SCOTT FRANCO  
Federal Public Defender

/s/ MARINA-THAIS DOUENAT  
Assistant Federal Public Defender  
Western District of Texas  
727 E. César E. Chávez Blvd., B-207  
San Antonio, Texas 78206-1205  
Tel.: (210) 472-6700  
Fax: (210) 472-4454  
Bar Number: 00798310

*Attorney for Defendant*

## CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July 2022, I filed the foregoing Defendant's Motion Requesting a Psychiatric Evaluation with the Clerk of the Court using the CM/ECF system which will give notification of such filing to the following:

Mark Roomberg  
Assistant United States Attorney  
601 NW Loop 410, Ste. 600  
San Antonio, Texas 78216

/s/ MARINA-THAIS DOUENAT  
*Attorney for Defendant*

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## ORDER

On this date came on to be considered the Defendant's Motion Requesting a Psychiatric Evaluation, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED, pursuant to Title 18 § 4241, **Determination of Mental Competency to Stand Trial, and Sanity at the time of the Offense**, the Defendant be evaluated to determine whether he is presently competent or incompetent to stand trial as defined by 18 U.S.C. § 4241(a).

If upon reevaluation, it is determined that Defendant remains incompetent to stand trial and that it is likely that Defendant's competency can be restored, Defendant shall participate in the outpatient competency restoration program administered by the Alamo Area Council of Governments.

The Court finds that, for the reasons set out in the Defendant's motion, the ends of justice served by the continuance granted by this order outweigh the interest of the public in a speedy trial. *See* 18 U.S.C. § 3161(h) (7) (A).

SO ORDERED on this the \_\_\_\_ day July, 2022.

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XAVIER RODRIGUEZ  
United States District Judge